

To: "Denise Keehner" [Keehner.Denise@epamail.epa.gov]
From: CN=David Evans/OU=DC/O=USEPA/C=US
Sent: Tue 5/25/2010 8:09:44 PM
Subject: Fw: Tribes request 404(c) process
[Six Tribes' Joint Letter to EPA requesting 404\(c\) process.pdf](#)
[Enclosure 1 Counsel Request meet w Corps. EPA re tribes as cooperating agencies.pdf](#)
[Enclosure 2 Tribes & AIFMA's Joint Letter to Rep. Edgmon w Briefing Paper.pdf](#)

Tribes in area of Peeble mine (AK) seeking preemptive 404(c) action by EPA in letter to LPJ.

Dave
David Evans, Director
Wetlands Division
Office of Wetlands, Oceans and Watersheds
(202) 566-0535
(202) 725-6415 (cell)

-----Sent from my BlackBerry Wireless Handheld

----- Original Message -----

From: Michael Szerlog
Sent: 05/25/2010 02:17 PM EDT
To: David Evans; Brian Frazer
Subject: Fw: Tribes request 404(c) process
FYI- see below. Expecting some more letters from Trout Unlimited as well.
Thanks
Michael Szerlog, Manager
Aquatic Resources Unit
Office of Ecosystems, Tribal, and Public Affairs.

----- Original Message -----

From: Cara Steiner-Riley
Sent: 05/25/2010 10:34 AM PDT
To: Michael Szerlog; Phil North; Patricia McGrath; Mary Thiesing
Cc: David Allnutt
Subject: Fw: Tribes request 404(c) process
In case you have not seen these....

Cara Steiner-Riley
Assistant Regional Counsel
U.S. Environmental Protection Agency
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Seattle, WA 98101
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----- Forwarded by Cara Steiner-Riley/R10/USEPA/US on 05/25/2010 10:28 AM -----

From: "jeff parker" <gparker@alaska.net>
To: Cara Steiner-Riley/R10/USEPA/US@EPA
Date: 05/24/2010 06:59 PM
Subject: Tribes request 404(c) process

Dear Ms. Cara Steiner-Riley,

I received your phone message, returning mine. Thank you.

On Friday, May 21, I mailed to Mr. McLerran and Ms. Jackson of EPA the attached letter is from six federally-recognized tribes in the Kvichak and Nushagak river drainages of SW Alaska. Therein, the Tribes request that EPA commence a public process under Section 404(c) of the Clean Water Act, to identify waters and wetlands in which discharge of dredge and fill material (including mining wastes) associated with metallic sulfide mining in those drainages, including from a potential Pebble mine, would be prohibited or restricted.

Due to overlapping issues, the letter on 404(c) also encloses copies of two other letters to which the letter on 404(c) refers for certain purposes. One is on my letterhead, from me and my co-counsel, and concerns our tribal clients' potential status as cooperating agencies on any EIS on Pebble mine. The other, from the six tribes and a commercial fishing cooperative (AIFMA Cooperative d/b/a the Alaska Independent Fishermen's Marketing Association) to a state Representative Bryce Edgmon who represents much of the area, urges him to facilitate discussion of whether most of the state land in the Kvichak and Nushagak drainages, including at the Pebble mining claims, should be legislatively designated as a state fish and game refuge or state critical habitat area. The letter to Rep. Edgmon attaches a briefing paper to which the 404(c) letter refers for certain purposes.

However, I did not mail last Friday the letter on cooperating agency status, when I enclosed it with the 404(c) letter. I will do so shortly, but I would like to speak to you first. So, let's try to talk in the morning.

Thanks.

Jeff Parker
907-222-6859